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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

T.C.,) Case No.
)
Plaintiff,) COMPLAINT FOR DAMAGES AND JURY
) DEMAND
vs.)
)
UNITED STATES OF AMERICA, [FIRST NAME])
UNKNOWN] GONZALES, and SERGIO)
SAUCEDO,)
)
Defendants.)

INTRODUCTION

1. Starting in 2018, FCI Dublin Correctional Officer Theodore Ramos (now deceased by suicide) began a campaign of sexual harassment and abuse against Plaintiff T.C.

2. The abuse was no secret. Captain [First Name Unknown] Gonzalez and Officer Sergio Saucedo actively covered for Ramos and assisted him in his reign of sexual terror.

1 21. Plaintiff T.C. was afraid of disobeying Ramos. She saw that he and Officer Saucedo
2 would target people they did not like by taking their belongings and hanging them from trees
3 around the compound. From these actions, Plaintiff T.C. deduced that other staff members, at a
4 minimum, acquiesced in Ramos' flaunting of the rules of the prison.

5 22. In February 2020, Plaintiff T.C. was sent to another BOP prison, but came back to
6 FCI Dublin in August of that year.

7 23. At that time, Ramos would come to her cell window, seemingly knowing whenever
8 she was there.

9 24. In April 2021, Ramos came to Plaintiff T.C.'s cell window and ordered her to "give
10 [him] a show," and made her strip naked and masturbate for him. That episode was interrupted
11 when her cellmate returned.

12 25. Around that same time, Ramos caught Plaintiff T.C. and other women with a
13 homemade cigarette lighter. All the other women were sent to segregation in the Special Housing
14 Unit (SHU). Plaintiff T.C. understood that she was spared segregation because she followed his
15 sexual commands.

16 26. In January or February 2022, Ramos ordered Plaintiff T.C. to meet him by the fire
17 exit where there were no camera. Ramos ordered her to pull down her pants. She did. He turned
18 her, bent her over, and penetrated her vagina with his penis. When he ejaculated, he sent her back
19 to work assignment.

20 27. Later, he told her "you know I have friends and if you say anything, I'll bury your ass
21 in the SHU."

22 28. At one point, Plaintiff T.C. asked for a BP-10, the form by which people in the
23 custody of the BOP can submit a sensitive administrative grievance. The supervisor asked her
24 "who are you snitching on?"

25 29. For reasons that remain unclear, on December 5, 2022, Captain Gonzalez ordered
26 that she be put in the SHU and removed her privileges to contact her fourteen-year-old daughter.
27 They also removed her commissary privileges.
28

30. When Plaintiff T.C. complained, Gonzalez, Saucedo, and Ramos all said that if she paid them \$2,000, she would be able to have her commissary privileges back.

31. Plaintiff T.C. understood that this was a message to not tell anyone what Ramos did to her.

32. Ramos also used Plaintiff T.C.'s time in the SHU to search her cell and take all of the letters he had written her.

33. When the DOJ task force came to FCI Dublin, Plaintiff T.C. told them some, but not all, of what Ramos had done to her.

34. In retaliation, she was transferred to Hazelton in West Virginia, where she could not continue the HVAC training in which she had been participating.

35. Further, in retaliation, BOP staff have taken approximately 500 days credit under the First Step Act.

36. Defendants' acts caused Plaintiff T.C. severe mental, physical, and emotional harm and extended her stay in prison.

EXHAUSTION

37. On June 8, 2023, Plaintiff T.C., through former counsel, mailed an administrative claim under the FTCA to the BOP's Western Regional Office. The BOP has not substantively responded.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF GENDER VIOLENCE (FTCA Action against the United States) (Cal. Civ. Code § 52.4)

38. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the preceding paragraphs as if fully set forth herein.

39. Plaintiff T.C. brings this claim under the Federal Tort Claims Act for gender violence under California Civil Code § 52.4 against the United States based on the conduct of its employee Ramos, Saucedo, and Gonzalez.

40. The United States is named as a defendant for the acts these individual employees under the Federal Tort Claims Act.

1 41. These federal employees engaged in the wrongful conduct alleged while in the course
2 and scope of their employment as federal employees.

3 42. Their positions as correctional officers and supervisors were essential to their
4 commission of tortious misconduct, which could not have occurred absent their federal
5 employment.

6 43. Under California law, any person subjected to gender violence may bring a civil
7 action for damages. Gender violence is a form of sex discrimination that includes a physical
8 intrusion or invasion of a sexual nature under coercive conditions.

9 44. Ramos discriminated against Plaintiff T.C. based on her gender when he repeatedly
10 sexually abused her, by physically subjecting her to sexual acts.

11 45. Saucedo and Gonzalez discriminated against Plaintiff T.C. based on her gender when
12 they covered for Ramos and assisted him in trying to silence her.

13 46. By these acts, Ramos, Saucedo, and Gonzales caused Plaintiff T.C. physical, mental,
14 and emotional injuries and well as injury to her personal dignity.

15 **SECOND CLAIM FOR RELIEF**
16 **SEXUAL ASSAULT**
17 **(FTCA Action against the United States)**
18 **(Cal. Civ. Code § 1708.5)**

19 47. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the
20 preceding paragraphs as if fully set forth herein.

21 48. Plaintiff T.C. brings this claim for sexual assault under the Federal Tort Claims Act
22 for violation of California Civil Code§ 1708.5 against the United States based on the conduct of its
23 employee Ramos.

24 49. Ramos violated Plaintiff T.C.'s right to be free from sexual assault by repeatedly
25 sexually abusing her while she was incarcerated.

26 50. Ramos' sexual abuse of Plaintiff T.C. was deeply offensive to her personal dignity and
27 would offend a person of ordinary sensitivity.

28 51. Ramos subjected Plaintiff T.C. to these sexual acts with the intent to cause a harmful
or offensive contact with Plaintiff T.C.'s person.

1 52. By intentionally subjecting Plaintiff T.C. to sexual acts, Ramos acted maliciously, in a
2 manner that is deeply offensive to human dignity and void of any penological justification.

3 53. By repeatedly subjecting Plaintiff T.C. to sexual acts Ramos caused her to suffer
4 physical, mental, and emotional injuries, as well as injuries to her personal dignity.

5 **THIRD CLAIM FOR RELIEF**
6 **BATTERY**
7 **(FTCA Action against the United States)**
8 **(California State Law)**

9 54. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the
10 preceding paragraphs as if fully set forth herein.

11 55. Plaintiff T.C. brings this claim for battery under the Federal Tort Claims Act based
12 on California state law against the United States for the conduct of its employee Ramos.

13 56. Ramos committed battery against Plaintiff T.C. by repeatedly sexually abusing her
14 while she was incarcerated as a minimum-security inmate at FCI Dublin.

15 57. The sexual abuse of Plaintiff T.C., an inmate was deeply offensive to her personal
16 dignity, would offend a person of ordinary sensitivity, and was unwarranted by the social usages in
17 prison when the contact was made.

18 58. Ramos subjected Plaintiff T.C. to these sexual acts with the intent to cause a harmful
19 or offensive contact with Plaintiff T.C.'s person.

20 **FOURTH CLAIM FOR RELIEF**
21 **BATTERY**
22 **(FTCA Action against the United States)**
23 **(California State Law)**

24 59. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the
25 preceding paragraphs as if fully set forth herein.

26 60. Plaintiff T.C. brings this claim under the Federal Tort Claims Act for the intentional
27 infliction of emotional distress against the United States based on the conduct of Ramos.

28 61. Ramos engaged in outrageous conduct by repeatedly subjecting Plaintiff T.C. to
sexual acts while she was incarcerated as an inmate in his employer's custody. He abused his
authority over Plaintiff T.C. and their power to affect her in a manner that was beyond all bounds
of decency and must be regarded as atrocious and utterly intolerable in a civilized society.

62. Ramos' sexual abuse caused Plaintiff T.C. to suffer, and continue to suffer, severe emotional distress, including fear, depression, and anxiety. This distress was so substantial and enduring that no reasonable person in a civilized society should be expected to endure it.

63. Ramos intended to cause Plaintiff T.C. this emotional distress because they knew that emotional distress was likely to result from their sexual abuse of an inmate.

**FIFTH CLAIM FOR RELIEF
BANE ACT
(FTCA Action against the United States)
(Cal. Civ. Code § 52.1)**

64. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the preceding paragraphs as if fully set forth herein.

65. Defendant United States, by the actions of its employees Ramos, Gonzales, and Saucedo, while Plaintiff T.C. was in custody, by threat, intimidation, and/or coercion, violated Plaintiff T.C.'s rights under California Civil Code § 52.1 by interfering with her right to protection from bodily restraint, harm, and insult, as secured by California Civil Code § 43; her rights under the California Constitution to be free of the imposition of punishment without due process, cruel and unusual punishment, and the right to be free from sexual violation; and her right under the Eighth amendment to be free of cruel and unusual punishment.

66. As a proximate result of their acts, Plaintiff T.C. sustained damage and injury.

**SIXTH CLAIM FOR RELIEF
TRAFFICKING VICTIMS PROTECTION ACT
(against Gonzalez and Saucedo)
(18 U.S.C. § 1581, *et seq.*)**

67. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the preceding paragraphs as if fully set forth herein.

68. Gonzalez and Saucedo knew or should have known that Ramos had engaged in commercial sex acts with the Plaintiff T.C. in violation of the TVPA.

69. Ramos knowingly recruited, enticed, and solicited Plaintiff T.C. by offering benefits and things of value, such as not being placed in the SHU, for engaging of sex acts.

70. Ramos made Plaintiff T.C. engage in sex acts through force and coercion.

1 71. Gonzales and Saucedo were knowingly aware of and participating in Ramos' scheme
2 to obtain sexual acts from Plaintiff T.C.

3 72. Their conduct has caused Plaintiff T.C. serious harm including, without limitation,
4 physical, psychological, emotional, financial, and reputational harm and she has a claim for
5 damages for such violations under 18 U.S.C. § 1591, 18 U.S.C. § 1595.

6 **SEVENTH CLAIM FOR RELIEF**
7 **CALIFORNIA TRAFFICKING VICTIMS PROTECTION ACT**
8 **(against Gonzalez and Saucedo)**
9 **(Cal. Civ. Code § 52.5)**

10 73. Plaintiff T.C. repeats and incorporates by reference every allegation contained in the
11 preceding paragraphs as if fully set forth herein.

12 74. Gonzalez and Saucedo knew or should have known that Ramos had engaged in
13 commercial sex acts with the Plaintiff T.C. in violation of the California TVPA.

14 75. Ramos knowingly recruited, enticed, and solicited Plaintiff T.C. by offering benefits
15 and things of value, such as not being placed in the SHU, for engaging of sex acts.

16 76. Ramos made Plaintiff T.C. engage in sex acts through force and coercion.

17 77. Gonzales and Saucedo were knowingly aware of and participating in Ramos' scheme
18 to obtain sexual acts from Plaintiff T.C.

19 78. Their conduct has caused Plaintiff T.C. serious harm including, without limitation,
20 physical, psychological, emotional, financial, and reputational harm.

21 **PUNITIVE DAMAGES**

22 79. In taking the actions described above, the individual Defendants intentionally and
23 maliciously violated Plaintiff T.C.'s civil rights and/or acted with reckless disregard as to whether
24 their actions violated Plaintiff T.C.'s civil rights.

25 80. In taking the actions described above, the individual Defendants acted with
26 oppression, fraud and/or malice.

27 81. As such, Plaintiff T.C. claims punitive damages against the individual Defendants in
28 an amount to be determined by a jury.

PRAYER FOR RELIEF

82. Plaintiff T.C. prays for judgment against Defendants, and each of them, as follows:

- (a) An award of damages, including compensatory, special, punitive, and nominal damages, to Plaintiff T.C. in an amount to be determined at trial;
- (b) An award to Plaintiff T.C. of the costs of this suit and reasonable attorneys' fees and litigation expenses including expert witness fees; and
- (c) For such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

83. Plaintiff T.C. hereby respectfully demands a jury trial, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: December 7, 2023

SIEGEL, YEE, BRUNNER & MEHTA

By  _____
EmilyRose Johns

Attorneys for Plaintiff